

# HOUSE . . . . . No. 4300

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 23, 2012.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester (Senate, No. 2250), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4300.

For the committee,

BRIAN S. DEMPSEY.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve  
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By striking out all after the enacting clause and inserting in place thereof the following:—

1     SECTION 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General laws or  
2     any other general or special law to the contrary, the commissioner of capital asset management  
3     and maintenance, in consultation with the commissioner of conservation and recreation, may  
4     convey to the Massachusetts Department of Transportation certain parcels of land in the city of  
5     Worcester described in section 2. The parcels shall be diverted from their present use as  
6     conservation and recreation land to a highway use. The exact boundaries of the parcels shall be  
7     determined by the commissioner of the division of capital asset management and maintenance in  
8     consultation with the commissioner of the department of conservation and recreation after  
9     completion of a survey. The consideration for said conveyance shall be the full and fair market  
10    value of said parcels as determined by the commissioner of the division of capital asset  
11    management and maintenance pursuant to 1 or more independent professional appraisals. This  
12    parcels shall be conveyed by deed without warranties or representations by the commonwealth.

13    SECTION 2. The parcels referenced in section 1 are as follows, subject to verification and  
14    approval by the commissioner of capital asset management and maintenance:

15 Parcel 61-1: A parcel of land dedicated to conservation and recreation use owned by the  
16 commonwealth, under the care and control of the department of conservation and recreation,  
17 adjoining the northerly sideline of the City Layout of Belmont Street (Route 9) and bounded as  
18 follows: Beginning on the northerly line of said City Layout at the southwesterly corner of the  
19 parcel hereinafter described; thence continuing along said City Layout northeasterly a distance of  
20 about 39.9 feet to the southeasterly corner of the property supposed to be owned by the  
21 Commonwealth of Massachusetts, under the care and control of the department of conservation  
22 and recreation; thence continuing along the easterly sideline of said property along a curve to the  
23 left with a radius of about 56.6 feet, a distance of about 24.2 feet; thence leaving said sideline  
24 and continuing northwesterly a distance of about 53.8 feet; thence southeasterly a distance of  
25 about 25.3 feet to the point of beginning. The parcel contains about 1,095 square feet;

26 Parcel 61-3-C: A parcel of land dedicated to conservation and recreation use owned by  
27 the commonwealth, under the care and control of the department of conservation and recreation,  
28 adjoining the easterly sideline of the City Layout of Lake Avenue North and bounded as follows:  
29 Beginning on the easterly line of said City Layout at the northwesterly corner of the parcel  
30 hereinafter described; thence southeasterly a distance of about 3.0 feet; thence southwesterly a  
31 distance of about 29.0 feet; thence along a curve to the left having a radius of about 47.0 feet, a  
32 distance of about 66.3 feet to a point on the northerly sideline of the City Layout of Belmont  
33 Street (Route 9); thence continuing southwesterly along said City Layout a distance of about  
34 61.0 feet to a point on the easterly sideline of the City Layout of Lake Avenue North; thence  
35 continuing northeasterly along said City Layout a distance of about 86.3 feet to the point of  
36 beginning. The parcel contains about 1,252 square feet;

Parcel 61-WD-1: A parcel of land dedicated to conservation and recreation use owned by the Commonwealth of Massachusetts, under the care and control of the department of conservation and recreation, adjoining the northerly sideline of the City Layout of Belmont Street (Route 9) and bounded as follows: Beginning on the northerly line of said City Layout at the southwesterly corner of the parcel hereinafter described; thence northwesterly a distance of about 34.5 feet; thence northeasterly a distance of about 46.1 feet; thence southeasterly a distance of about 60.2 feet; thence southeasterly a distance of about 25.3 feet to a point on the northerly sideline of the City Layout of Belmont Street (Route 9); thence continuing southwesterly a distance of about 105.9 feet to the point of beginning. The parcel contains about 3,222 square feet.

SECTION 3. The parcels of land described in section 2 are shown on a plan entitled "Massachusetts Department of Transportation Highway Division Proposed Bridge Replacement Project For Route 9 Over Lake Quinsigamond Bridge No. S-14-001=W-44-018 In The Town Of Shrewsbury/Worcester Worcester County" By Transystems, 38 Chauncy Street, Suite 200, Boston, MA 02111, revised 2/13/2012, Plan Sheets 12-13 of 21. This plan is on file with the Chief Engineer of the Highway Division of the Massachusetts Department of Transportation. The parcels of land are a portion of real estate taken in fee under chapter 79 of the General Laws by the commonwealth, acting through the commissioner of natural resources, the predecessor-in-interest to the department of conservation and recreation, by instrument dated April 23, 1956 and recorded with Worcester district registry of deeds, book 3770, pages 28 and 29, and shown on a plan recorded with Worcester district registry of deeds, plan cook 215, plan 36. Said parcels are a portion of Lot 2 delineated as "City of Worcester" containing 5.93 acres on plan book 215, plan

36. Notwithstanding the description of the parcels in section 2, the commissioner of capital asset management and maintenance may verify and approve the exact boundaries of the parcels.

SECTION 4. The Massachusetts Department of Transportation may acquire, by purchase or otherwise, certain parcels of land in the city of Worcester as described in section 5 from the commonwealth, University of Massachusetts (UMASS). The parcels shall be diverted from their present use for higher education purposes to highway purposes. The exact boundaries of the parcels shall be determined by the commissioner of the division of capital asset management and maintenance in consultation with the commissioner of the department of conservation and recreation after completion of a survey. The consideration for said conveyance shall be the full and fair market value of said parcels as determined by the commissioner of the division of capital asset management and maintenance pursuant to 1 or more independent professional appraisals. This parcels shall be conveyed by deed without warranties or representations by the commonwealth.

SECTION 5. The parcels referenced in section 4 are as follows:

Parcel 61-2-C: A parcel of land dedicated to a higher education use supposed to be owned by the commonwealth, UMASS, adjoining the northerly sideline of the City Layout of Belmont Street, (Route 9) and bounded as follows: Beginning on the northerly sideline of said City Layout at the southwesterly corner of the parcel hereinafter described; thence northwesterly a distance of about 7.6 feet along the westerly sideline of the property supposed to be owned by the Commonwealth of Massachusetts UMASS; thence northeasterly a distance of about 143.9 feet; thence continuing northeasterly a distance of about 114.5 feet; thence continuing northwesterly a distance of about 12.0 feet; thence continuing northeasterly a distance of about

50.9 feet to a point on the westerly sideline of the City Layout of Lake Avenue North; thence southwesterly along said City Layout a distance of about 21.4 feet to a point on the northerly sideline of the City Layout of Belmont Street (Route 9); thence leaving the City Layout of Lake Avenue North and continuing southwesterly along the City Layout of Belmont Street (Route 9) a distance of about 300.3 feet to the point of beginning. The parcel contains about 2,834 square feet;

Parcel 61-W-GR-1-C: A parcel of land dedicated to a higher education use supposed to be owned by the commonwealth, UMASS, adjoining the northerly sideline the aforementioned Parcel 61-2-C and bounded as follows: Beginning at a point on the northerly sideline of Parcel 61-2-C at the southwesterly corner of the parcel hereinafter described; thence northeasterly a distance of about 33.2 feet; thence continuing northeasterly a distance of about 40.4 feet; thence continuing northeasterly a distance of about 21.5 feet; thence continuing northeasterly a distance of about 21.3 feet to a point along the northerly sideline of said Parcel 61-2-C; thence continuing southwesterly along the sideline of said Parcel 61-2-C a distance of about 12.0 feet; thence continuing southwesterly along said sideline a distance of about 114.5 feet to the point of beginning. The parcel contains about 988 square feet.

SECTION 6. The parcels of land described in section 5 are shown on a plan entitled "Massachusetts Department Of Transportation Highway Division Proposed Bridge Replacement Project For Route 9 Over Lake Quinsigamond Bridge No. S-14-001=W-44-018 In The Town Of Shrewsbury/Worcester Worcester County" by TranSystems, 38 Chauncy Street, Suite 200, Boston, MA 02111, revised 2/13/2012, Plan Sheets 11-12 of 21. The plan is on file with the chief engineer of the highway division of the Massachusetts Department of Transportation. The parcels of land are a portion of real estate taken in fee pursuant to the chapter 79 of the General

Laws by the commonwealth, acting through the trustees of the University of Massachusetts by instrument dated November 17, 1967 and recorded with Worcester district registry of deeds, book 4810, page 22 and shown on plan recorded with Worcester district registry of deeds, plan book 313, plan 42.

SECTION 7. Notwithstanding any general or special law to the contrary, the inspector general shall review and approve the appraisal required pursuant to sections 1 and 4. The inspector general shall prepare a report of his review of the methodology utilized for the appraisal and shall file the report with the commissioner of the division of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets. The commissioner of the division of capital asset management and maintenance shall, 30 days before the execution of any conveyance authorized by this act, or any subsequent amendment thereto, submit the proposed conveyance or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of the proposed conveyance or amendment. The commissioner shall submit the proposed conveyance or amendment, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days before execution of the conveyance.

SECTION 8. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation, shall be responsible for all costs and expenses, including but not limited to, costs associated with any engineering, surveys, appraisals, and deed preparation related to the conveyances authorized pursuant to this act as such costs may be determined by the commissioner of the division of capital asset management and maintenance.